

## **The First 50 Women in Idaho Law**

**DEBORAH ANN BAIL**

**April 11, 1975**



**Deborah Ann Bail** was born in 1949 in Wichita, Kansas. Although her family moved a few times, she was mostly raised in Wichita. Bail's father was an engineer and her mother was trained as an archeologist.

Growing up, Bail was torn between studying medicine and law. Her family was very supportive of her and never believed that there was anything a woman could not or should not do. In fact, her family was very supportive of a woman seeking higher education. Her father's sisters were heads of college English departments and one of her relatives, Margaret Brent, was the first woman in the United States to perform legal services. (She represented the Royal Governors of Maryland and Virginia in the 1600s.) Yet another of Bail's ancestors was George Washington's lawyer and Thomas Jefferson's law partner. So, law may have been her destiny.

Just as Bail was graduating high school, her father got a job in Hawaii. It was in Hawaii that Bail held one of her more unusual summer jobs: she worked in a pineapple cannery in Honolulu.

Bail attended the University of Hawaii from 1967-69 and then Lewis and Clark College in Portland, Oregon, graduating with a Bachelor of Arts degree in 1971. Immediately thereafter, she enrolled in Northwestern School of Law in Portland, Oregon, from which she graduated in 1974. After law school Bail took and passed the Oregon bar, thinking that she would live and practice there (although she also had an offer to practice in Hawaii).

In 1974, Bail received a two-year Reginald Heber Smith Community Lawyer Fellowship, the first graduate of Northwestern to do so. This competitive, nationwide fellowship sought to foster the creative use of the law to aid the poor by helping attorneys work for a year or two in a legal services office. The fellowship brought Bail to Boise, but too late to take the summer Idaho Bar. She took the Bar the next spring and on April 11, 1975, Bail was admitted to practice law in Idaho. Bail recalls that when she came to Boise, she was "the first new woman [lawyer] in a while" and when she went to the law library to check out a book, Idaho State Law Librarian Laura Pershing informed her "only lawyers could check out books."

While working under her fellowship, Bail represented disadvantaged clients in all areas, including consumer programs, family relationships, contracts, government housing and charitable organizations, and had both trial and appellate experience. Also during this time, Bail worked to establish Emergency Housing Services, the first shelter for homeless/battered women and their children in Idaho. Given all this, Bail was awarded a rare third year of fellowship. When her fellowship was complete, Bail was offered a position with the United States Attorney's office and went to work, instead, to develop legal services for the elderly in Idaho. She set up various programs and conducted the first comprehensive study of the utilization of legal services by the elderly Idaho. The project was a joint project with the Office of Aging and Idaho Legal Aid Services, Inc., and required that Bail participate in a wide range of activities including the preparation of funding applications, training of lay advocates, and seminars on

legal rights of the elderly. The following year, Bail decided that administrative work was not that challenging and went back to her “first love, trial work.”

Beginning in 1978, Bail began work as an Assistant United States Attorney for the District of Idaho where she prosecuted federal crimes and represented the United States in civil matters arising in Idaho before the Idaho state and federal courts and criminal appeals to the Ninth Circuit Court of Appeals. In so doing, she gained a tremendous amount of trial experience and respect from her colleagues.

In the early 1980s, Bail became interested in becoming a judge and applied for an open position through the Judicial Council. Although Alan Schwartzman ultimately filled that position, Bail had made the “final cut” of names given to the Governor. When the next judicial position became open two years later, Bail was better known by the Judicial Council and familiar with the selection process. On February 23, 1983, Governor John V. Evans called to inform Bail that he had selected her to be Idaho’s first woman district court judge. Two months later, on April 18, 1983, Bail took the oath of office. Justice Bakes recalls that when Governor Evans swore her in, he pointed out that she was appropriately named after one of the women judges in the Old Testament.

Bail has held the position of Fourth Judicial District Court Judge continuously from 1983 to the present. During her long tenure on the state’s busiest bench, Bail has handled numerous complex and criminal cases, including the recent (albeit long-lasting) high profile and complex constitutional challenge to public school funding that has involved several trips back and forth to the Idaho State Supreme Court and the Idaho Legislature’s attempt to resolve the lawsuit through legislation. Bail has been active in cutting the wait for trial after the filing of a civil case, and has substantially reduced delay in criminal proceedings. She has developed the statewide trial court’s procedures for handling child witnesses and has been an active supporter of victim’s rights. In addition to her duties on the trial court bench, Bail has served as a pro tem judge with the Idaho Supreme Court and the Idaho Court of Appeals.

Bail’s professional associations are many. In addition to being a member of the Oregon, Idaho, Ninth Circuit and United States Supreme Court bars, Bail is a member of the National Association of Women Judges and served as Secretary Treasurer for District 13 in 1987. She is a 1983 graduate of the National Judicial College, General Jurisdiction, served as a Faculty Advisor in 1987 to the National Judicial College, and is member of the American Judicature Society and the American Inns of Court. In addition, Bail has served on a number of court committees, including the Idaho Supreme Court’s Judicial Fairness Committee, the Judicial Education Committee, the Criminal Jury Instructions Committee and the Gender Fairness Task Force. She is the former Chair of the Idaho Law Foundation’s Law Related Education Committee, and is currently serving on the Idaho Civil Rules Committee. Bail also lectures for the Idaho New Judges’ Training Program and the Fifth Judicial District on handling child witnesses. She served as Secretary of the Idaho District Judge’s Association in 1995, and as its President from 1996-1997.

Bail has been involved with a similarly long list of community activities, including establishing Emergency Housing Services, Inc., a shelter for battered and homeless women and children, and giving numerous seminars for lay people on legal issues, and she served on church and civic boards. She is a member of the Board of Directors of the Presiding Bishop’s Fund for World

Relief, the first woman member of the Rotary Club of Boise, a Member of the St. Luke's CARES Advisory Board, PAD, Law Related Education Advisor for Idaho, and a volunteer overnight host at the St. Michael's Pocket Shelter for homeless families.

In May 1986, the Idaho March of Dimes honored Bail for her outstanding community service by giving her the "White Rose Award."

Bail is the proud mother of one daughter, Elizabeth Ruth Basanti Bail, and describes herself as an "avid golfer and soccer mom."